

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ABOUBACAR JALLOH,

Plaintiff,

-against-

THOMAS P. WENDEL,

Defendant.

-----X

**REPLY AFFIRMATION**

Index No.: 07 Civ. 4091/(NRB)

Hon. Judge  
Naomi Reice Buchwald

ECF Case

CHRISTINA M. RIEKER, ESQ., an attorney admitted to practice law in the Courts of the State of New York hereby affirms under the penalties of perjury:

I am an associate of the firm of BUDIN, REISMAN, KUPFERBERG & BERNSTEIN, LLP., attorneys for the plaintiff herein and as such I am fully familiar with the facts and circumstances of the above-entitled matter and submit this reply affirmation in further support of plaintiff's cross-motion for summary judgment on the issue of liability and in response to the affirmation in opposition submitted by Mark A. Solomon.

Defendant states in his papers that "Defendant concedes that there is no issue with respect to his negligence in striking the rear of plaintiff's vehicle." (See Reply Affidavit ...In Opposition to Plaintiff's Cross-Motion, ¶ 16). As such, plaintiff's cross-motion for summary judgment on the issue of liability must be granted, without opposition. Further, the *merits* of this case, and the evidence of record, *in its entirety*, direct a finding in favor of plaintiff on the issue of "serious injury".

WHEREFORE, affirmant respectfully requests that the within cross-motion be granted in all respects, together with such other, further, and different relief as to this Court seems just and proper.

Dated: New York, New York  
June 11, 2008

  
CHRISTINA M. RIEKER, ESQ. (1566)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK,  
COUNTY OF NEW YORK ss.:

LOUISE M. COLBOURNE, being duly sworn, deposes and says:

That deponent is not a party to this action, is over the age of 18 years and resides in Bronx County in the State of New York.


That on June 11, 2008, deponent served the within REPLY AFFIRMATION upon:

Law Offices of Harvey & Vandamme  
Attorneys for Defendant(s)  
THOMAS P. WENDEL  
90 Broad Street  
Suite 2202  
New York, NY 10004  
(646) 428-2650

by depositing a true copy of the same securely enclosed in a postpaid wrapper in a Post Office Box regularly maintained by the United States Government at Madison Avenue and East 30th Street, New York, New York directed to the above mentioned attorneys at their respective address, that being the address within the State designated by them for that purpose upon the preceding papers in this action or the place where they kept an office, between which places there then was and now is regular communication by mail.

  
LOUISE M. COLBOURNE

Sworn to before me on  
June 11, 2008

  
Notary Public

DOROTA U. KUZNIAR-ZGLINSKA  
Commissioner of Deeds, City of New York  
No. 2-12442  
Certificate filed in New York County  
Commission Expires April 1, 2009

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REPLY AFFIRMATION

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**Budin, Reisman, Kupferberg & Bernstein, LLP**  
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